

Message Text

CONFIDENTIAL

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ACTION DLOS-02

INFO OCT-01 ISO-00 L-01 SS-14 OES-02 IO-06 ARA-10
INR-05 SSO-00 INRE-00 SP-02 /043 W
-----077903 111543Z /64
O 111507Z NOV 77
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2960

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 10193

STADIS////////////////////////////////////

LIMDIS
E.O. 11652: GDS
TAGS: PLOS
SUBJECT: PROPOSED MESSAGE FROM THE SECRETARY TO
VENEZUELAN FOREIGN MINISTER CONSALVI

FOR THE SECRETARY FROM AMBASSADOR RICHARDSON

REF: CARACAS 10474

1. AS RECOMMENDED BY AMBASSADOR VAKY IN REFTEL, A
PROPOSED MESSAGE FROM YOU TO CONSALVI WAS DRAFTED ON
THE ASSUMPTION THAT YOU AND THE PRESIDENT WOULD BE
VISITING VENEZUELA SHORTLY. ALTHOUGH YOUR PLANS
HAVE CHANGED, I STILL BELIEVE THAT A MESSAGE ALONG THE
LINES OF THE PROPOSED TEXT IN PARA 2 BELOW WOULD BE
USEFUL, PARTICULARLY IN VIEW OF THE STRONG, EMOTIONAL
REACTION OF PRESIDENT PEREZ TO PRESS REPORTS OF SOME
REMARKS I MADE RECENTLY CONCERNING LAW OF THE SEA
(CARACAS 10472).

2. BEGIN PROPOSED TEXT:

-- EXCELLENCY:
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-- I HAD HOPED TO HAVE THE OPPORTUNITY TO DISCUSS
WITH YOU PERSONALLY A SUBJECT OF CONSIDERABLE
IMPORTANCE TO BOTH VENEZUELA AND THE UNITED STATES.
WITH TRAVEL PLANS NOW UNCERTAIN, I DO NOT WANT TO
DELAY SHARING WITH YOU MY THOUGHTS ON THAT SUBJECT,
LAW OF THE SEA.

-- CARACAS IS OF GREAT SYMBOLIC SIGNIFICANCE TO ALL THOSE WHO HAVE LABORED LONG ON BEHALF OF THE IDEAL OF A GLOBAL ORDER FOR THE WORLD'S OCEANS, FOR IT WAS THERE THAT THE FIRST SUBSTANTIVE SESSION OF THE THIRD UN CONFERENCE ON LAW OF THE SEA WAS HELD THREE YEARS AGO, AND IT IS THERE THAT WE ALL HOPE TO SEE OUR EFFORTS REWARDED WITH THE SIGNING OF A COMPREHENSIVE TREATY BY MORE THAN ONE HUNDRED AND FIFTY GOVERNMENTS. THIS IS A COMPELLING DREAM THAT, IF IT MATERIALIZES, WILL BE AN EVENT OF TRULY HISTORIC SIGNIFICANCE. THAT GOAL IS SO NEAR, YET SO FAR.

-- IT WILL COME AS NO SURPRISE WHEN I SAY THAT MY GOVERNMENT WAS BOTH DISTURBED AND SADDENED BY THE OUTCOME OF THE LAST SESSION OF THE CONFERENCE IN NEW YORK INsofar AS THE DEEP SEABED ISSUES WERE CONCERNED. WE WERE DISTURBED BECAUSE OF THE SEEMINGLY DELIBERATE DISREGARD BY THE CHAIRMAN OF COMMITTEE I OF A DELICATE BUT INNOVATIVE AND HIGHLY PROMISING NEGOTIATING PROCESS, AND WE WERE SADDENED BECAUSE THE SUBSTANTIVE CONSEQUENCES OF THAT ACT SERIOUSLY DIMINISHED PROSPECTS FOR REACHING AGREEMENT. YOU ARE ALREADY AWARE THROUGH PUBLIC STATEMENTS OF OUR STRONG FEELINGS ABOUT WHAT HAS TRANSPIRED AND OUR DEEP CONCERN ABOUT ITS IMPLICATIONS FOR THE FUTURE OF THE CONFERENCE. ALLOW ME TO EXPLAIN WHY WE PUT SO MUCH WEIGHT ON WHAT SOME OTHERS CHARACTERIZE AS A MINOR PROCEDURAL ABERRATION, CONFIDENTIAL

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AND THEN WHY WE BELIEVE THAT NO COUNTRY'S INTERESTS WOULD BE SERVED BY ADOPTION OF THE PROVISIONS ON SEABED MINING THAT APPEARED UNHERALDED IN THE LATEST NEGOTIATING TEXT.

-- THE LAW OF THE SEA CONFERENCE HAS MADE CONSTRUCTIVE AND CREATIVE USE OF CONSENSUS PROCEDURES. WITHOUT A SINGLE VOTE HAVING BEEN TAKEN ON ISSUES OF SUBSTANCE, TEXTS EMERGING FROM SUCCESSIVE SESSIONS HAVE, ON MOST ISSUES, REPRESENTED A PROGRESSIVE BROADENING AND STRENGTHENING OF SUPPORT AS BASES FOR FURTHER NEGOTIATIONS. CLEARLY, THIS WOULD NOT HAVE BEEN POSSIBLE WITHOUT THE DEDICATED EFFORTS OF A SMALL, SKILLED CORPS OF CONFERENCE LEADERS, AMBASSADOR ANDRES AGUILAR PROMINENT AMONG THEM. IN THE HANDS OF THESE MEN LAY THE HEAVY RESPONSIBILITY OF TRANSLATING THE VIEWS OF MANY INTO A CONSENSUS ACCEPTABLE TO ALL. THE SINE QUA NON OF THIS GREAT EXPERIMENT, HOWEVER, HAS BEEN THE REMARKABLE DEGREE OF CONFIDENCE BY ALL THE PARTICIPANTS IN THE UNDERSTANDING AND SCRUPULOUS IMPARTIALITY OF THESE MAKERS OF CONSENSUS. THAT TRUST WAS VIOLATED LAST JULY BY THE CHAIRMAN OF COMMITTEE ONE, SUPPORTED BY A SMALL CIRCLE OF ADVISORS. SO SERIOUS

WERE THE CHANGES MADE WITHOUT CONSULTATION OR DEBATE
THAT THE ACTION COULD NOT BE DISMISSED AS A MERE ABERRA-
TION. IT THREATENS THE CONSENSUS PROCEDURE AND,
THEREFORE, THE FUTURE OF THE CONFERENCE ITSELF.

-- THE SUBSTANCE OF THESE CHANGES IN THE NEGOTIATED TEXTS
IS AS TROUBLING AS THE PROCEDURE BY WHICH THEY WERE PRO-
DUCED. THE COMMON HERITAGE OF MANKIND WILL BE NOTHING
MORE THAN AN EMPTY PHRASE UNTIL SUCH TIME AS THOSE WITH

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-----077969 111542Z /64

O 111507Z NOV 77
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2961

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 10193

STADIS////////////////////////////////////

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THE REQUISITE CAPITAL, TECHNOLOGY AND INTEREST CAN BE
INDUCED TO MAKE THE MASSIVE INVESTMENT WITHOUT WHICH
EXPLOITATION OF THE DEEP SEABED CAN SIMPLY NOT TAKE
PLACE. I HAVE IN MIND HERE NOT THE NEED FOR A REASON-
ABLE EXPECTATION OF PROFITABILITY, ESSENTIAL AS THAT IS.
INSTEAD, I AM EXPRESSING THE CONVICTION THAT AN INTER-
NATIONAL SEABED AUTHORITY WILL NOT RESULT IN MINING IN
THE ABSENCE OF ASSURANCES THAT IT CAN BE CONDUCTED UNDER
REASONABLY FAIR, OBJECTIVE, AND SECURE CONDITIONS.
OBVIOUSLY, A REGULATORY REGIME OF SOME SORT IS NEEDED,
BUT SUCH A REGIME MUST NOT CREATE DISINCENTIVES TO
INVESTMENT OR BE PERMITTED TO DIMINISH HIGH SEAS FREEDOMS.
THE NEW CONFERENCE TEXT ON SEABED MINING WOULD DO BOTH.

-- FINALLY, I BELIEVE IT ESSENTIAL THAT A MAXIMUM EFFORT
BE MADE TO DISPEL THE SUSPICIONS AND MUTE THE IDEOLOGICAL
UNDERTONES THAT HAVE DEFLECTED THE SEARCH FOR CONSENSUS.
WE CAN FIND SOLUTIONS TO THE PROBLEMS BEFORE THE
CONFERENCE, BUT TO DO SO WE MUST MAKE A CONCERTED EFFORT.

I HOPE THAT YOU WILL JOIN US IN THIS EFFORT. IN THIS
CONNECTION, I AM PLEASED TO NOTE THAT UNITED STATES AND
VENEZUELAN NEGOTIATORS ARE SEARCHING FOR WAYS TO GET THE
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CONFERENCE BACK ON THE PATH AT MEETINGS IN GENEVA.

-- SINCERELY,

-- CYRUS VANCE

END TEXT. VANDEN HEUVEL

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, AMBASSADORS, MEETINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 11-Nov-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA10193
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770417-0656
Format: TEL
From: GENEVA
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771171/aaaacief.tel
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Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
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Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS, STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS, STADIS
Reference: 77 CARACAS 10474
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 11-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 629870
Secure: OPEN
Status: NATIVE
Subject: PROPOSED MESSAGE FROM THE SECRETARY TO VENEZUELAN FOREIGN MINISTER CONSALVI FOR THE SECRETARY FROM AMBASSADOR RICHARDSON
TAGS: PLOS
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/ec510c1d-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009